



## PLANNING REPORT

# Board of Zoning Appeals

Thursday, September 22, 2022

## WADSWORTH RESIDENCE 22-130V

<https://dublinohiousa.gov/bza/22-130>

### Case Summary

Address	6240 Post Road, Dublin, OH 43016
Proposal	Request for a variance to allow building-mounted residential solar panels as an accessory structure to be located on a front (street) facing façade on a 1.32-acre site.
Request	Review and approval for Non-Use (Area) Variance under the provisions of Zoning Code Section §153.231(H).
Zoning	PUD, Planned Unit Development District – Indian Run Meadows
Planning Recommendation	<u>Disapproval of Non-Use (Area) Variance</u> Planning recommends disapproval of the Non-Use (Area) Variance to allow building-mounted residential solar panels to be located on a street facing façade.
Next Steps	The Board of Zoning Appeals (BZA) is the final reviewing body for this application. If approved by the BZA, the applicant may apply for a building permit. If denied, the applicant will need to revise the solar panel locations to conform to all development standards.
Applicant	Jillian Dyer, Ecohouse Solar
Case Manager	Zach Hounshell, Planner II (614) 410-4652 <a href="mailto:zhounshell@dublin.oh.us">zhounshell@dublin.oh.us</a>

Site Location Map

22-130V | 6240 Post Road



**Site Features**

1 Existing tree stand and tree row.



## 1. Overview

### Background

The site comprises a 1.32-acre lot and contains a detached, single-family dwelling constructed in 2001. The site has a single access point from Post Road to the south. The site is zoned PUD, Planned Unit Development District within the Indian Run Meadows PUD.

### Site Information

#### *Lot Layout*

The site is rectangular in shape, with a maximum lot depth of approximately 312 feet and a lot width of 149 feet at the front property line. The lot is located north of Post Road, with the home oriented at the center of the site towards the south. The home is setback approximately 120 feet from Post Road, 53 feet from the west property line, and 31 feet from the east property line.

#### *Natural Features*

The site features a row of mature trees along Post Road, and a stand of mature vegetation to the rear of the property. The South Fork Indian Run creek runs along the north property line with floodplain extending into the northern portion of the site. The property is flat forward of the home, with a slight decrease in grade moving towards the rear property line.

### Code Requirements

Residential solar panels are currently only considered in the Zoning Code as accessory structures when installed as ground units. Since Code does not reference residential roof-mounted units, Staff has identified them as accessory structures, which are governed by Zoning Code Section 153.074(B)(6)(a). All accessory structures are required to be constructed within the permitted buildable area of a lot, behind all applicable setback lines, and to the rear or side of the principal structure.

Staff is currently working on a Code Amendment to specifically address solar panels within the City. The topic has been presented to the Planning and Zoning Commission, Community Service Advisory Commission, and the joint work session with all Boards, Commissions and City Council.

## 2. Proposal

The applicant is requesting a Variance to Zoning Code Section 153.074(B)(6)(a) to allow residential, roof-mounted solar panels to be located on front-facing roof façade of the home. The applicant is proposing 31 solar panels with a total module area of 558 square feet on the southern roof face. The panels are established parallel to the roof line and installed approximately 6 inches above the roof plane. The applicant states that they are locating the solar panels on the south-facing roof plane rather than the north-facing roof plane, as the north side would not be usable for solar panels due to the latitude and need for panels to operate on south-facing roofs. The applicant has provided a statement addressing the need for the Variance and the conditions of the site.

Solar panels are also often mentioned in deed restrictions which are not enforceable by the City but may require a further review process by the applicant. This site appears to not be in a platted subdivision but Planning would recommend verifying if there is other restrictions that may require approval.

### 3. Plan Review and Recommendation

Zoning Code Section 153.231(H)(2) allows the Board of Zoning Appeals to approve requests for non-use (area) variances only in cases where the Board finds there is evidence of a practical difficulty present on the property, and that the findings required in Zoning Code Section 153.231(H) have been satisfied.

#### Criteria A | Non-Use (Area) Variance Analysis - Section 153.231(H)(2)(a)

All three criteria are required to be met:

Criteria	Review
1. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.	<b>Criteria not met:</b> The site is one of the larger properties in the area, with the house located at the center of the site and landscaping and mature vegetation along the perimeter of the site. However, the condition of the home sited with a south-facing front roof façade is not unique to this site and is seen in sites adjacent to this site. No special conditions apply to this site.
2. That the variance is not necessitated because of any action or inaction of the applicant.	<b>Criteria not met:</b> The Variance request is necessitated by the applicant and is necessitated on the basis of switching to renewable energy on the home.
3. Granting the variance will not cause a substantial adverse effect to the property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied.	<b>Criteria not met:</b> The Variance request would directly impact the requirements and intent for all accessory structures to be located forward of the building.

#### Criteria B | Non-Use (Area) Variance Analysis - Section 153.231(H)(2)(b)

At least two of the following criteria are required to be met:

Criteria	Review
1. That a literal interpretation of the provisions of the Zoning Code would not confer on the	<b>Criteria met:</b> Several properties within the zoning district could obtain roof-mounted solar panels that meet zoning requirements due to the orientation of

Criteria	Review
<p>applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter.</p>	<p>each home that does not have a south-facing front façade.</p>
<p>2. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.</p>	<p><b>Criteria not met:</b> The request is recurrent in nature to warrant a Code update to contemplate locations and requirements for solar panels in residential district. Staff is aware of the increase in these requests and is working towards a Code Amendment for solar panels.</p>
<p>3. The variance would not adversely affect the delivery of governmental services.</p>	<p><b>Criteria met:</b> The proposed location of the solar panels would not affect the delivery of governmental services.</p>
<p>4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.</p>	<p><b>Criteria not met:</b> Utilizing solar energy can be accommodated by other methods that may be less economical but continue to produce energy.</p>

**Planning Recommendation:** Disapproval of the Non-Use (Area) Variance  
 Planning recommends disapproval of the Non-Use (area) Variance to allow building-mounted residential solar panels as an accessory structure to be located on a street facing façade.